

USDC SCAN INDEX SHEET



MEG 7/24/98 14:26
3:98-M -01914 USA V. DUNCAN
1
CRCMP.

Affidavit in Lieu of Complaint

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

FILED

JUL 23 1998

CLOSED

Magistrate's Docket No. 98mg1914
Case No. mg1914

The accused JEFFREY DUNCAN, now presented before
the Honorable Louisa S. Porter, United States Magistrate Judge, for
arraignment and fixing of bail, has been charged before a United
States Magistrate Judge in the _____ District of
South Dakota at Sioux Falls, South Dakota, on January 23, 1998

_____, with the offense that on or about November 30, 1996,
(Offense date)

at _____ in violation of United States Code,
(Place of offense)

Title 18, Section(s) 228, the accused _____

Child Support Recovery Act

(Brief statement of offense charged)

and a warrant for his arrest was issued on 01/30/98.

Bond in the sum of \$5,000 unsecured has been recommended by an
Assistant United States Attorney in the district in which the
charges are pending.

DATED: 7/22/98

[Signature]
Affiant

Special Agent, Federal Bureau of Investigation

Lodged with me this 22 day of JULY, 1998,
Title _____

in lieu of certified copy of complaint against the accused.

[Signature]
LOUISA S. PORTER

United States Magistrate Judge

FILED

JAN 30 1998


CLERK

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JEFFREY C. DUNCAN,

Defendant.

CR. 98-4011-01

INFORMATION

Failure to Pay Legal Child
Support Obligations


18 U.S.C. § 228

The Assistant United States Attorney charges and informs the Court:

From on or about November 30, 1996, and continuing to the date of the filing of this Information at Sioux Falls, in the District of South Dakota, the defendant, Jeffrey C. Duncan, who resides in a different state with respect to his child, who resides in South Dakota, willfully and unlawfully failed to pay a past due support obligation, as ordered by the Third Judicial Circuit Court of Brookings County, South Dakota, and which obligation has remained unpaid for more than one year and is in an amount greater than \$5,000, all in violation of 18 U.S.C. § 228.

Dated this 23 day of January, 1998.

KAREN E. SCHREIER
United States Attorney


JOHN J. ULRICH
Assistant United States Attorney
P.O. Box 5073
Sioux Falls, SD 57117-5073
(605)330-4400

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

CR. _____

Plaintiff,

STATEMENT OF PROBABLE CAUSE

vs.

JEFFREY C. DUNCAN,

Defendant.

STATE OF SOUTH DAKOTA)

:SS

COUNTY OF MINNEHAHA)

The affiant, being duly sworn, states the following:

1. My name is John J. Ulrich. I am an Assistant United States Attorney with the United States Department of Justice. I have been an Assistant United States Attorney for over 20 years.

2. Due to my responsibilities as an Assistant United States Attorney, I am familiar with the Child Support Recovery Act of 1992; 18 U.S.C. § 228. I have received instruction from the Department of Justice regarding this statute.

3. The information provided in this statement is derived from my own personal knowledge and observations, and information received from the South Dakota Department of Social Services.

4. As to the charge contained in the Information, a review of the records received from the South Dakota Department of Social Services reveals that the defendant is required by law to pay child support payments for his child, who resides in the State of South Dakota. Further, the records reveal that the defendant has an arrearage in child support obligations which has remained unpaid

for longer than one year or is in an amount greater than \$5,000. Specifically, in the instant case, the South Dakota Department of Social Service's file indicates that the occupation of the defendant is construction, and that he currently resides in the state of California. As of November 30, 1996, defendant has failed to pay past due court-ordered child support, which is in arrears and which in the past had been, in part, paid for his child and was ordered by the Order dated October 20, 1994, by the Third Judicial Circuit Court, Brookings County, South Dakota. The total amount of child support arrearage is \$14,124. As of January 1, 1998, the South Dakota Department of Social Services believed that the last known address of defendant to be: 13023 Ashgate Dr., Poway, California.

5. 18 U.S.C. § 228 states that a past due child support obligation that has remained unpaid for longer than one year, or is greater than \$5,000, is punishable, in the case of a first offense, by fine and imprisonment for not more than six months and restitution. The elements of the offense regarding 18 U.S.C. § 228 require that the United States prove that the defendant:

1. Has the ability to pay;
2. Did willfully fail to pay;
3. Has a known past due (child) support obligation;
4. Said obligation has remained unpaid for longer than one year or is in an amount greater than \$5,000;
5. Said obligation is for a child who resides in another state.

I declare under penalty of perjury that the foregoing is true and correct.

Dated this 23 day of January, 1998.

KAREN E. SCHREIER
United States Attorney

John O. Ulrich
JOHN O. ULRICH
Assistant United States Attorney
P.O. Box 5073
Sioux Falls, SD 57117-5073
(605) 330-4400

Subscribed and sworn to before me
this 23 day of January, 1998.

Patricia Link
Notary Public - South Dakota

My Commission Expires: 5-20-01

(SEAL)

United States District Court
District of South Dakota
Southern Division

UNITED STATES OF AMERICA
v.

JEFFREY C. DUNCAN
13023 Ashgate Dr.
Poway, CA 92064-5830

WARRANT FOR ARREST

Case Number: CR98-40011-01

To: The United States Marshal
and any authorized United States Officer

YOU ARE HEREBY COMMANDED to arrest **JEFFREY C. DUNCAN** and bring him or her forthwith
to the nearest magistrate to answer a(n)

☐ Indictment ☒ Information ☐ Complaint ☐ Order of Court ☐ Violation Notice ☐ Probation Violation Petition

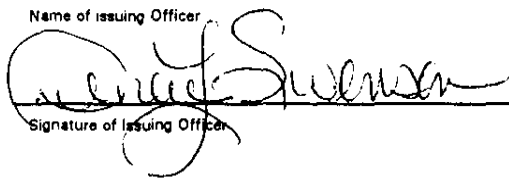
Charging him or her with

Failure to Pay Legal Child Support Obligations

in violation of 18 U.S.C. § 228

Denae L. Swenson

Name of Issuing Officer



Signature of Issuing Officer

Deputy Clerk

Title of Issuing Officer

1/30/98 - Sioux Falls, SD

Date and Location

Bail fixed at \$ _____

By _____
Name of Judicial Officer

RETURN

This warrant was received and executed with the arrest of the above-named defendant at _____

Date Received

Name and Title of Arresting Officer

Signature of Arresting Officer

Date of Arrest

FILED

JAN 30 1998

[Signature]
CLERK

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Vs.

JEFFREY C. DUNCAN,

Defendant.

CR. 98-40011-01

ORDER FOR ISSUANCE OF
WARRANT OF ARREST

The Court having reviewed the Information with attached Statement of Probable Cause, and probable cause appearing, it is hereby

ORDERED that the Clerk of Court shall issue a warrant of arrest for the defendant in the above-entitled matter.

Dated this 30 day of January, 1998.

BY THE COURT:

[Signature]
MARK F. MARSHALL
U.S. Magistrate Court Judge

ATTEST:

JOSEPH HAAS, Clerk

By *[Signature]* Deputy

(SEAL)

Magistrate Information Sheet

1. Dis. Auth. _____ 1A. USAO # _____ Ct. # _____ Agency # _____ 2. Hg. Date _____
 2. AUSA WELCH 4. Mag. _____ 5. Mat. Wit.: Cust: NO. Arraign M/W Release M/W Other _____
 Def. # 1 of _____ 6. Def Name: Jeffrey Duncan Soc. Sec. # _____
 Alias: _____ Birth Date _____
 Address: Danouan

7. Flip? Yes No Charges _____ 8. Arrest Date _____
 Penalties _____ Place of Arrest: _____
 Agents _____ Phone #: _____ Date Committed: _____
 Agency _____ Program Category: _____

9. Custody? Yes No _____ 10. Citizenship? U.S. Mex. Other _____
 11. INS Status: Res Bcc Illegal Other _____
 Prior Deports: _____ Prior VR's _____
 Prior Records: _____

Drug Usage: _____ How Evidenced? _____
 Cash on Def. # _____ Other Evidence _____
 Agents Fact Summary: _____

*Mid. Information —
 Failure to Pay Legal Child
 Support Obligations
 (18 U.S.C. 3228)*

*8/10/98
 3pm
 Magistrate
 Mark Marshall
 4000 S. Phillips Avenue
 Sioux Falls, SD
 57117*

Agents Bail Info (Employment, Family, Etc.) SIAB unsecured

Vehicle Seized (Describe) _____ Mat/Wit Atty: _____
 12. Def. Atty: Apptd. Rtd. To Retain _____ 13. Def. Atty. Name _____
 14. Plea: Guilty Count _____ NG Nolo _____ 15. RCD? Yes No 16. Sent. _____
 Con't Sent _____ 16A. S.A. # _____ 17. Dism? Ct. Govt. _____
 18. Next Court for _____ 19. Date _____ 20. Time _____ and for _____ on _____ at _____
 21. Bond Set _____ Conditions _____
 22. Pers Info _____
 23. Sentencing Guidelines: _____
 24. Potential Forfeitures _____

Gov't Sent Recommendation: _____
 Defendant's Sent Recommendation: _____
 Probation Dept Recommendation: _____

Rev: 8/90#

*lat 008/357-Q664 (Rose)
 #South Dakota*